

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

May 13, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

-vs-

LUCAS WOODARD,  
Defendant.

Nos. 2:11-CR-0084-WFN-1  
2:10-CR-0135-WFN-1

ORDER DENYING MOTION FOR  
EVIDENTIARY HEARING AND  
RENEWED MOTION TO REDUCED  
SENTENCE

Pending before the Court is Defendant's Motion for Evidentiary Hearing and Renewed Motion to Reduce Sentence. The Court notes that while the caption of the Defendant's Motion includes both cause numbers, the Motion was not filed in 2:10-CR-0135-WFN-1. Defendant has exhausted his claim with the Bureau of Prisons [BOP].

The Court denies Defendant's request for an evidentiary hearing. Defendant seeks to testify about the conditions of his confinement. The briefing, Defendant's mother's letters recounting Defendant's struggle to obtain appropriate treatment, as well as Dr. Reznicek's detailed report provide an adequate basis for decision.

The Court likewise denies Defendant's request for compassionate release. Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

1 Defendant has not demonstrated extraordinary or compelling reasons warranting a  
2 sentence reduction. Defendant clarified in the recent Motion that the basis for his Motion  
3 relies upon the BOP's failure to adequately address Defendant's serious mental health needs  
4 while he has been incarcerated—not the additional strain that COVID-19 protocols placed  
5 on all inmates suffering from mental health conditions. Defendant reports a concerning  
6 series of failures to properly address his mental illness. Dr. Reznicek opines that the  
7 treatment the BOP provided to Defendant falls below community standards. Certainly, the  
8 failure to provide any type of counseling, correct medication at the medically recommended  
9 dosage, and monitoring of medications presents problems that must be addressed.  
10 Moreover, the BOP is equipped to manage these issues in a manner that does not amount to  
11 months long solitary confinement; though the Court recognizes that Defendant's escape  
12 attempt complicates the BOP's response as Defendant's poor choices made him a security  
13 risk.

14 In addition to the failure to adequately address his mental health treatment, Defendant  
15 argues that his prolonged solitary confinement supports compassionate release. Without  
16 providing the BOP an opportunity to respond, the Court cannot find that the BOP has  
17 violated the Eighth Amendment. Challenges to the conditions of confinement should be  
18 litigated directly rather than attacked collaterally in an attempt to secure early release.  
19 Litigation of this claim would allow a full review of the issues and provide the BOP an  
20 opportunity to respond and make any needed adjustments to the terms of confinement.  
21 Compassionate release anticipates extraordinary and compelling reasons on the part of the  
22 Defendant supporting his release; not failures of the BOP to meet standards they are able  
23 and equipped to manage. The Court is reluctant to release Defendant when less drastic  
24 measures will alleviate the concerns raised in Defendant's Motion. The statutes authorize  
25 release as a remedy for prison conditions only where the conditions laid out in 18 U.S.C.  
26 § 3626 (3) have been met.

27 As the Court noted in the previous Order denying compassionate release, Defendant's  
28 underlying conviction was serious, and he presents a danger to the community. Despite the

1 Court's comments indicating that Defendant was unlikely to re-offend during the sentencing  
2 hearing, the Court imposed a sentence nearing the high end of the guideline range. The  
3 escape attempt while in custody suggests that the Court may have misjudged Defendant's  
4 likelihood of recidivism. Defendant has not demonstrated extraordinary or compelling  
5 reasons supporting his release. The Court has reviewed the file and Motion and is fully  
6 informed. Accordingly,

7 **IT IS ORDERED** that:

8 1. Defendant's Motion for Evidentiary Hearing and Renewed Motion to Reduce  
9 Sentence and Corrected Motion, **2:11-CR-0084-WFN-1 ECF Nos. 36 and 37**, are  
10 **DENIED**.

11 2. The BOP is directed to (1) conduct a medical review of Defendant's mental health  
12 needs; and (2) provide reasonable access to mental health treatment, including counseling  
13 and medication, **at or above** community standards.

14 3. The Government shall file a status update outlining the progress and treatment plan  
15 no later than **July 1, 2021**.

16 The District Court Executive is directed to file this Order and provide copies to  
17 counsel.

18 **DATED** this 13th day of May, 2021.

19 

20 WM. FREMMING NIELSEN  
21 SENIOR UNITED STATES DISTRICT JUDGE

22 05-11-21